

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCTAVIUS ANDERSON
ESPERANZA C. AGUILAR
MARIA E. CASTILLO
JOSE LUIS GONZALEZ
ROBERTO PEREZ
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VERA SPARKS
EPIGMENIA SILVA
SHERLEY L. WOODS
LARRY YOUNGBLOOD

JAN 12 1998 CK
DAVID J. MALAND, CLERK

BY DEPUTY Caroleyn Kelley

**COMPLAINT - REPRESENTATIVE
ACTION**

CA NO: 9:98cv7

Plaintiffs

v.

PILGRIM'S PRIDE CORPORATION

Defendant

INTRODUCTION

1. This is a representative action for unpaid wages and overtime brought pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216 (b).

JURISDICTION

2. This court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and 1337.

PARTIES

3. Plaintiffs are residents of Angelina County, Texas or adjacent counties. They bring this action on behalf of themselves and representatives of similarly situated workers who file consents to join in this action.

4. Defendant **PILGRIM'S PRIDE** is a Delaware corporation engaged in the production of goods for commerce in the State of Texas and at various other locations in the United States.

FACTS

5. At various times up until January 1998, Plaintiffs have been employed in the production of goods for commerce at the chicken processing plant operated by Defendant **PILGRIM'S PRIDE** in Lufkin, Texas.

6. During this time Defendant **PILGRIM'S PRIDE** failed to pay Plaintiffs their regular rate of pay for all hours of work they performed up to 40 hours per week and failed to pay them overtime for hours of work they performed in excess of 40 hours per week as required by the Fair Labor Standards Act.

7. The failure to pay Plaintiffs their lawful wages under the Fair Labor Standards Act included, but was not limited to, failing to pay them for time spent donning and doffing sanitary and safety equipment, working at the direction of their employer during break and meal periods, working in the plant at the direction of their employer before and after their scheduled shifts, cleaning safety and sanitary equipment, failing to pay Plaintiffs when the "line" is stopped and requiring Plaintiffs to arrive at their stations early, before the "line" starts and prepare their station before pay time begins.

8. Numerous similarly situated individuals working in the production of goods for commerce

at the Defendant's processing plant in Lufkin, Texas were also deprived of their lawful wages under the Fair Labor Standards Act in the same manner as Plaintiffs. This action is brought on behalf of those similarly situated workers.

9. The Defendant's failure to pay Plaintiffs and similarly situated workers their lawful wages required by the Fair Labor Standards Act was wilful. Despite its knowledge that time spent donning and doffing safety equipment, working at the direction of their employer during break and meal periods, cleaning equipment, waiting at their station while the "line" is stopped and arriving early and staying after the shift to prepare their position before the "line" starts was compensable time under the FLSA, Pilgrim's Pride, Inc. took no steps to compensate workers at its plants in the State of Texas and at various other locations for this time and, on information and belief, took no steps to compensate workers at its other plants for this time.

REPRESENTATIVE ACTION

10. Plaintiffs bring this action on behalf of themselves and all similarly situated employees of Pilgrim's Pride. Plaintiffs request that notice be issued to these employees informing them of their right to file consents to join in this action.

CAUSE OF ACTION

11. Plaintiffs and similarly situated workers are entitled to relief pursuant to 29 U.S.C. §216 (b) of the Fair Labor Standards Act.

PRAYER FOR RELIEF

Wherefore, Plaintiffs pray that this Court:

1. Issue notice to all similarly situated employees of Pilgrim's Pride informing them of their

right to file consents to join in this action;

2. Declare that Plaintiffs and similarly situated workers who file consents to join this suit are entitled to pay for all of their FLSA-defined hours of work, including, but not limited to, time spent donning and doffing sanitary and safety equipment, working at the direction of their employer during break and meal periods, cleaning safety and sanitary equipment, waiting at their station while the "line" is stopped and arriving early and staying after the shift to prepare their position before the "line" starts;

3. Enter a permanent injunction enjoining Defendant from failing to pay Plaintiffs and similarly situated workers for all of their FLSA-defined hours of work and a prospective injunction enjoining Defendant from violating the FLSA.

4. Awarding Plaintiffs and similarly situated workers who file consents to join in this suit, their unpaid regular hourly wages for hours of work up to 40 hours per week and their unpaid overtime for all hours of work in excess of 40 hours per week, an equal amount of liquidated damages, attorneys fees and costs of suit and such other relief as this Court deems just and proper.

Respectfully submitted,

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